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7
8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 ERLINDA REYES,

11 Case No. 1:21-cv-00302-EPG

12 Plaintiff,

13 v.
14 ORDER RE: STIPULATION FOR THE AWARD
15 KILOLO KIJAKAZI, Acting
Commissioner of Social Security,
16 Defendant.

17 (ECF No. 22)

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
19 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount
20 of SIX THOUSAND FOUR HUNDRED AND TWENTY DOLLARS AND 37/100 (\$6,420.37) under
21 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of FOUR
22 HUNDRED DOLLARS AND 00/100 (\$400.00) under 28 U.S.C. §1920. This amount represents
23 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this
civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
25 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
26 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
whether the fees are subject to any offset allowed under the United States Department of the
Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
27 whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
3 and costs to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any
4 payments made shall be delivered and made payable to Plaintiff's counsel, Jonathan O. Peña.

5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
6 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
7 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
8 and all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA
9 attorney fees in connection with this action.

10 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social
11 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
12 EAJA.

13 Respectfully submitted,

14 Dated: May 11, 2023

15 /s/ Jonathan O. Peña
16 JONATHAN O. PEÑA
17 Attorney for Plaintiff

18 Dated: May 11, 2023

19 PHILLIP A. TALBERT
20 United States Attorney
21 MATHEW W. PILE
22 Associate General Counsel
23 Office of Program Litigation
24 Social Security Administration

25 By: * Thomas E. Chandler
26 Thomas E. Chandler
27 Special Assistant U.S. Attorney
28 Attorneys for Defendant
(*Permission to use electronic signature
obtained via email on May 11, 2023).

1 **ORDER**

2 Based upon the parties' stipulation (ECF No. 22), IT IS ORDERED that fees and expenses in
3 the amount of SIX THOUSAND FOUR HUNDRED AND TWENTY DOLLARS AND 37/100
4 (\$6,420.37) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs
5 in the amount of FOUR HUNDRED DOLLARS AND 00/100 (\$400.00) under 28 U.S.C. §1920, be
6 awarded subject to the terms of the stipulation.

7 IT IS SO ORDERED.

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9 Dated: May 15, 2023

/s/ *Eric P. Groj*
10 UNITED STATES MAGISTRATE JUDGE

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